



September 15, 2025

The Honorable Theodore D. Chuang, U.S. District Judge
6500 Cherrywood Lane, Suite 245
Greenbelt, MD 20770
(301) 344-3982

**Re: Plaintiffs' Request for Leave to File a Motion for Partial Summary
Judgment in *Doe v. Musk*, 25-CV-00462**

Dear Judge Chuang,

The undersigned counsel respectfully submit this letter pursuant to the Court's Case Management Order, ECF No. 6, seeking leave to file a Motion for Partial Summary Judgment on Plaintiffs' Separation of Powers claim.

This Court has evaluated Plaintiffs' Separation of Powers claim on at least three occasions: granting Plaintiffs a preliminary injunction, ECF No. 73 at 37-53; denying the Government's Motion to Dismiss, ECF No. 150 at 43-47; and approving a Modified Class to pursue classwide relief, *see generally* ECF No. 152. Indeed, on August 13, 2025, the Court issued its Memorandum Opinion, ECF No. 150, substantially denying Defendants' Motion to Dismiss and noting the following: "Indeed, the facts in the Second Amended Complaint, particularly those described in the Lewin Memorandum, demonstrate that Defendants are presently abolishing USAID entirely in contravention of the federal statute that established it." ECF No. 150 at 45.

Defendants filed their Answer, ECF No. 254, on August 27, 2025. This Answer confirms that there remains no genuine issue of material fact as to Plaintiffs' Separation of Powers claim. For instance, Defendants do not deny that on March 28, 2025, Defendant Lewin sent an email to USAID personnel entitled "Final Mission," describing steps to "wind-down" USAID's "independent operation" by September 2, 2025. *Compare* ECF No. 135 ¶¶120-121 (Sec. Am. Compl.) *with* ECF No. 254 ¶¶ 120-121 (Answer) (noting that "Defendants refer the Court to that document for a full and accurate description of its contents"). Indeed, Defendants concede that, as a result of this ongoing wind down, USAID now has "approximately 100 positions" left, ECF No. 254 ¶121, representing a 99% reduction from the 10,000 USAID personnel prior to Defendants' unlawful actions, *see* ECF No. 135, ¶53. Moreover, lest there be any remaining doubt, Defendant

Secretary of State Marco Rubio publicly announced that “USAID is officially in close out mode,”¹ in late August. Defendants agree that no discovery is necessary as to the Separation of Powers claim. *See* Def. Resp. to Pl. Mot. for Exp. Disc., ECF 113, at 20. Therefore, a timely resolution of the Separation of Powers claim is ripe and essential.

Prior to filing this letter, Plaintiffs’ counsel conferred with defense counsel. Defendants’ counsel indicated they do not object to the Court granting leave for Plaintiffs to file a motion for partial summary judgment.

Respectfully submitted,

/s/ Tianna J. Mays

Norman L. Eisen, [9112170186]

Tianna J. Mays, [1112140221]

DEMOCRACY DEFENDERS FUND

600 Pennsylvania Avenue SE, Suite 15180

Washington, DC 20003

Tel: (202) 594-9958

Norman@democracydefenders.org

Tianna@democracydefenders.org

Mimi Marziani*

Rebecca (Beth) Stevens*

Joaquin Gonzalez*

MARZIANI, STEVENS & GONZALEZ PLLC

500 W. 2nd Street, Suite 1900

Austin, TX 78701

Tel: (210) 343-5604

mmarziani@msgpllc.com

bstevens@msgpllc.com

jgonzalez@msgpllc.com

Richard M. Heimann*

Nicole M. Rubin

**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**

275 Battery Street, 29th Floor

San Francisco, CA 94111

Tel: (415) 956-1000

Attorneys for Plaintiffs

**Admitted pro hac vice*

¹ @SecRubio, “Russ is now at the helm to oversee the closeout of an agency that long ago went off the rails. Congrats, Russ.” (Aug. 29, 2025, 2:03 PM), X, <https://x.com/SecRubio/status/1961429522584141958>